

**RSPCA Prosecution Oversight Panel
Meeting on 5 December 2019
Summary Report**

General Matters

The meeting commenced with Melinka Berridge confirming her resignation from the Prosecution Oversight Panel (the POP) and thanked Hayley Firman (HF) and her fellow panellists for offering her this experience. It was agreed that Senior Associate, Matthew Hardcastle of Kingsley Napley LLP, a lawyer who specialises in private prosecutions would be appointed as her replacement.

Geralt Evans (GE) confirmed that he was moving from his current role at the CPS to take up the post of Traffic Commissioner. GE will confirm prior to the next meeting of the POP whether he is permitted to sit on the panel by his new employer, he wishes to remain as a panellist should such permission be forthcoming.

HF and Ray Goodfellow, Chief Legal Officer of the RSPCA, joined the POP at the outset of the meeting. They explained to the POP that there were two areas of future development for the RSPCA that impacted on the work of the POP. Firstly, due to a restructuring of the Board of Trustees, it was now possible for the POP to have a direct line of communication with the Chair of the newly formed Animal Welfare Committee. The POP were receptive to this proposal and agreed to discuss further at the next meeting once HF has developed further details on how that arrangement would work. Secondly, it was explained that the RSPCA was due to lodge an application to the Welsh Government to extend the powers of RSPCA Inspectors. The POP members supported this proposal in principle and look forward to receiving further details about the progress of the proposal and if granted, the training that will be provided to the inspectorate to prepare them for the use of additional powers.

Case Review

On this occasion the panellists discussed the following categories of cases:

Complaints	1
Complex cases	1
Dismissed cases	2
Trial/Conviction	5
No prosecution	6
Guilty plea	4
Caution	2

The quality of the prosecution files continues to be of a high standard. However, there is inconsistency in the quality of the reports prepared by the inspectorate. On previous occasions the POP have stressed the importance of providing refresher training to the inspectorate to equip them to perform their role consistently to a high standard. HF explained to the POP a new training solution is being rolled out to the Inspectorate and she will report back to the POP at the next meeting on the effectiveness of that training solution. PB expressed concern that the new training solution does not appear to be accredited. HF is due to meet with senior leaders from the inspectorate in early 2020 to discuss the mixed quality of the case files that are being referred into the legal team and to agree a way forward.

The POP noted that a case there was a referral by the defence to the CPS. The RSPCA have been criticised in the past for privately prosecuting cases of animal cruelty and those raising criticism demand that the RSPCA should 'hand over' their cases to the CPS to prosecute. It is notable that even in circumstances where the defence invited the CPS to intervene the CPS was fully satisfied that the prosecution was appropriately brought and it was appropriate for

criticism demand that the RSPCA should 'hand over' their cases to the CPS to prosecute. It is notable that even in circumstances where the defence invited the CPS to intervene the CPS was fully satisfied that the prosecution was appropriately brought and it was appropriate for the prosecution to proceed.

Areas of excellence identified in these case reviews were as follows:

- The quality of the analysis of the evidential sufficiency and public interest tests by the case managers is of a much higher standard than we have seen on previous occasions.
- It is pleasing to see that where a no prosecution (no pro) decision has been reached in most cases the case managers are still completing a thorough analysis of the evidence and public interest factors.
- The no pro decisions demonstrate both sensitivity and understanding by the case managers that prosecution should be a tool of last resort and used only in the most appropriate cases.
- It was pleasing to see a number of examples where the case managers have noted procedural issues and have then gone on to weigh up the potential impact if the evidence is found to be inadmissible owing to those procedural issues.
- HF's handling of the adverse judicial comment by DJ Barron was commendable.

Area for further development were as follows:

- Use of overly emotive, subjective language being used in some of the preface reports. This is inappropriate as the Insp. should be undertaking an objective and dispassionate assessment of the evidence.
- On occasions where a witness may be reluctant to give evidence at trial this should be noted by the case manager and a proper analysis given as to what impact the loss of that evidence would have on the prosecution case and/or whether any further steps can be taken to secure the attendance of the witness.
- There should be a procedure in place to ensure that on all occasions before press releases are issued the case manager and/or HF has an opportunity to review and approve the press release.
- It is a waste of time and largely unhelpful for the case managers to recite large tracts of evidence in the DA. The best practice is to highlight the key aspects of the prosecution evidence that supports the elements of the offence and/or any possible defences.
- It is important that there is consistency around when a case is suitable for caution. This review highlighted that an RSPCA caution was offered when the suspect did not admit guilt. That approach is contrary to the RSPCA caution guidance contained in the RSPCA Prosecution Policy (June 2017).

The POP have requested that HF provide a full update on their 'recommendations and actions' list prior to the next meeting.

HF will also try to secure the attendance of the Chair of the Animal Welfare Committee to attend a part of the next meeting.

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